

## REMARKS/ARGUMENTS

### **Claim Amendments**

Claim 7 has been amended to clarify that a linked list is used to allocate different regions of memory where compressed video frames will be recorded (see Figure 2 and 4; paragraph [0034] of the published version of the application). The regions can also be separated by other intervening regions as indicated in Figure 2 of the instant application. The compressed video frames can be stored in the different regions. Amended claim 7 also clarifies that the index is a frame index, through which individual frames can be quickly located individually.

Claims 8 – 12 have been amended in view of the amendments to parent claim 7.

Claim 18 has been amended to clarify the index used to randomly access frames is a frame index.

No new matter has been added.

### **35 USC §112**

The Office rejected claim 7 under 35 USC 112 on the ground that the claim fails to comply with the written description requirement, where the “words” non-sequential and non-contiguous” are not found in the specification. The Application directs the Office’s attention to Figures 2, 3, 4, and 5 of the instant application where at least two video frames of a clip are stored non-sequentially (e.g., frame n+1 and n in Figure 5 are non-sequential) in non-contiguous memory locations (e.g., record 1 and recode 3 of Figure 2 are non-contiguous). Still, the Applicant has amended claim 7 to further prosecution. Amended claim 7 no longer recites “non-sequential” or “non-contiguous”. The Applicant requests that the rejection be withdrawn.

The Office rejected claim 7 under 35 USC 112 on the ground that claim 7 lacks sufficient antecedent basis for a limitation in the claim. The Applicant has amended claim 7 to recite that a linked list is used to “allocate different first and second regions, each region comprising contiguous ones of the memory locations, where the first region and the second region are separated by at least one intervening region of memory locations”. Support for the amendment can be found in paragraph [0034] of the published version of the application. In view of the amendment, the Applicant requests that the rejection be withdrawn.

### **35 USC §102**

The Office rejected claims 7 – 12, and 17 – 18 under 35 USC 102 as being anticipated by Yuen (5,488,409). The Applicant respectfully disagrees, especially in view of the amendments entered herein. Both claim 7 and 18 include the feature of using a frame index to obtain compressed video frames. Such a feature is lacking in Yuen. Furthermore, as argued previously, Yuen lacks any reference to cueing and playing back a video frame within a single frame latency time.

The Office merely provides a citation of C13/L20 – 30 as grounds that Yuen discloses the feature of cueing a frame within a single frame latency time. The cited passage lacks any reference cueing a frame. The cited passage merely states that “...independently of the point of tape insertion [the VCR] can quickly locate and read a copy of the directory...” (emphasis added). Clearly a video frame is different than a program directory read from a tape. The approach taken by the Applicant is to construct a frame index used to randomly access a specific variable sized compressed video frame from a video sequence clip regardless of its location in a recording memory. Yuen merely discloses a program directory for a video tape. In fact, Yuen lacks any reference to cueing video frames at all, let alone randomly accessing a specific frame in less than a single frame latency time.

It is also noted that the Office fails to provide any reasoned argument at all on how Yuen anticipates the claimed features. Rather, the Office only provides citations. The Applicant respectfully requests that the Office provide clarifying reasons as to how Yuen or citations from Yuen anticipate the claims. Anticipation under Section 102 requires “the presence in a single prior art disclosure of all elements of a claimed invention ***arranged as in that claim.***” *Panduit Corp. v. Dennison Manufacturing Co.*, 774 F.2d 1082, 1101, 227 U.S.P.Q. (BNA) 337, 350 (Fed. Cir. 1985) (quoting *Connell v. Sears, Roebuck & Co.*, 722 F.2d 1542, 1548, 220 U.S.P.Q. (BNA) 193, 198 (Fed. Cir. 1983)).

As previously presented by the Applicant, claim 7 encompasses the main concept by claiming (a) storing compress video frames of a video sequence in different regions, and (b) cueing one of the frames within single frame latency. For example, when video is played at about 30 frames a second, the single frame latency would be one thirtieth of a second. Claim 18

also encompasses the concept by claiming that a single frame in a video sequence of nine of more frames can be located, accessed, and played back “...within a single frame latency time while playing back any one of the other video frames” (emphasis added).

Claims 7 and 18 are allowable over Yuen, among other reasons, on the grounds that Yuen fails to teach all the elements of the respective claims. Claims 8 – 12 and 17 are also allowable by virtue of their dependence on claim 1.

### **Furthering Prosecution**

To further prosecution, the Applicant expresses their willingness to work with the Office to converge on a set of allowable claims to bring the prosecution of the instant application to closure. Given that the cited art appears overcome, the Applicant specifically requests guidance on alternative clarifying claim language that the Office would be more comfortable in allowing.

### **Request For Allowance**

Claims 7 – 12, 17, 18 are pending in this application. The applicant requests allowance of all pending claims.

Respectfully submitted,  
Fish & Associates, PC

Date: September 9, 2009

By: Nicholas J. Witchey/  
Nicholas J. Witchey  
Reg. No. 63,481

Fish & Associates, PC  
2603 Main Street, Suite 1050  
Irvine, CA 92614-6232  
Telephone (949) 253-0944  
Fax (949) 253-9069